

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CYNTHIA WARMBIER, individually and
as personal representative of the Estate of
Otto Warmbier,**

**FREDERICK WARMBIER, individually
and as personal representative of the
Estate of Otto Warmbier,**

Plaintiffs,

v.

**DEMOCRATIC PEOPLE’S REPUBLIC
OF KOREA,**

Defendant.

Civil Case No. 1:18-cv-00977 (BAH)

SUPPLEMENTAL EXHIBIT TO MOTION FOR DEFAULT JUDGMENT

Plaintiffs hereby submit the attached documentation substantiating their demand for medical expenses as a component of their compensatory damages, DE 1 at 21, as a supplemental exhibit to their Motion for Default Judgment, DE 16. As the documentation demonstrates, the charges for Otto Warmbier’s medical care in June 2017 after his return to the United States totaled \$96,375.80. Plaintiffs request that these charges be fully included as an aspect of their compensatory damages. As stated by counsel at the evidentiary hearing on December 19, 2018, these charges are compensable under the collateral source rule regardless of any insurance or third-party adjustment or reimbursement. *See Estate of Doe v. Islamic Republic of Iran*, 943 F. Supp. 2d 180, 186 (D.D.C. 2013).

Dated: December 21, 2018

Respectfully submitted,

/s/ Benjamin L. Hatch
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Counsel for Plaintiffs

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DECLARATION OF BENJAMIN L. HATCH

I, Benjamin L. Hatch, declare pursuant to 28 U.S.C. § 1746 under penalty of perjury as follows:

1. I am partner with the law firm of McGuireWoods LLP, counsel for Plaintiffs Cynthia Warmbier and Frederick Warmbier, and am admitted to practice in the District of Columbia and before the bar of this Court. I submit this Declaration in support of Plaintiffs' Supplemental Exhibit to Motion for Default Judgment.

2. McGuireWoods asked UC Health to provide documentation of the charges for Otto Warmbier's medical care in June 2017. Exhibits A through C are the documents UC Health provided. They are filed under seal as they contain sensitive medical information.

3. Attached as Exhibit A is a true and correct copy of the itemization, provided by UC Health, of hospital services incurred for the treatment of Otto Warmbier, totaling \$89,747.80, at UC Health in Cincinnati, Ohio from June 13, 2017 to June 19, 2017.

4. Attached as Exhibit B is a true and correct copy of the itemized statements, provided by UC Health, for the physician providers that treated Otto Warmbier, totaling \$6,628.00, at UC Health from June 13 to June 19, 2017. This document is summarized in Exhibit C.

5. Attached as Exhibit C is a true and correct copy of a letter dated December 20, 2018, from UC Health to counsel for Plaintiffs Frederick and Cynthia Warmbier, providing a summary of Exhibit B.

6. The sum of the medical costs for Otto Warmbier's medical treatment reflected in Exhibits A and B is \$96,375.80.

I declare under penalty of perjury under the laws of the United States that the foregoing information is true and correct.

Executed on December 21, 2018 in Norfolk, Virginia.

Signed: 

Benjamin L. Hatch (D.C. Bar # 1044804)

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EXHIBIT A
FILED UNDER SEAL

EXHIBIT B
FILED UNDER SEAL

EXHIBIT C
FILED UNDER SEAL